

REMARKS

Reconsideration of this application is respectfully requested.

Claims 23, 24, and 26 have been canceled. Upon amendment, claims 17-22, 25, 27, and 28 are pending in this application with claims 17-22 allowed. No new matter enters by amendment.

Claims 23-28 were rejected under 35 U.S.C. § 112, first paragraph, as allegedly containing subject matter that was not described in the specification in such a way as to reasonably convey to the skilled artisan that the inventors had possession of the claimed invention at the time the application was filed. The Examiner bases the rejection on an alleged lack of description of sequences that hybridize to the DNA of claim 17.

Applicants traverse the rejection for the reasons set forth in Applicants' Amendment and Response dated May 18, 2004. Solely to expedite prosecution of this application, applicants have canceled claims 23, 24, and 26.

Claims 25, 27, and 28 are directed to a method for detecting the presence of HIV-1 RNA. Claim 25 does not require hybridization to detect the viral RNA. Similar to allowed claims 19 and 21, claims 27 and 28 employ the DNA of claim 17 and the DNA of claim 18, respectively, to detect the HIV-1 RNA by hybridization. Moreover, Applicants point out that the Examiner has found the DNA of claims 17 and 18 allowable. Thus, the Examiner's basis for the rejection is not applicable to claims 25, 27, and 28. Accordingly, Applicants submit that the rejection of claims 25, 27, and 28 is in error, and respectfully request withdrawal of the rejection.

Applicants respectfully submit that this application is in condition for allowance.

In the event that the Examiner disagrees, he is invited to call the undersigned to discuss any outstanding issues remaining in this application in order to expedite prosecution.

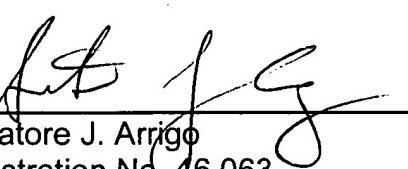
Please grant any extensions of time required to enter this response and charge any additional required fees to our Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: December 16, 2004

By:



Salvatore J. Arrigo
Registration No. 46,063
Telephone: 202-408-4160
Facsimile: 202-408-4400
E-mail: arrigos@finnegan.com